

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS ALLEN GIVENS,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No.: 2:22-cv-1006
v.	:	
	:	
WAL-MART STORES, INC.,	:	<i>Electronically Filed</i>
	:	
Defendant.	:	
	:	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores, Inc. (now known as Walmart, Inc.) (hereinafter “Walmart”) asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about June 9, 2022 in the Court of Common Pleas of Washington County, Pennsylvania, against Walmart. (A true and correct copy of this Complaint is attached as Exhibit “A”).

2. Walmart was served with the Complaint out of state by certified mail on June 14, 2022.

3. Walmart has not yet answered or otherwise responded to Plaintiff’s Complaint.

4. Plaintiff, Thomas Allen Givens, is a resident of Washington County, Pennsylvania. See Exhibit A at ¶ 1.

5. The Walmart store at issue in the Complaint, store no. 4501, is located at 134 Daniel Kendall Drive, West Brownsville, PA 15417.

6. Defendant, Wal-Mart Stores, Inc., now known as Walmart, Inc., is a Delaware corporation with a principal place of business in Arkansas.

7. Accordingly, Wal-Mart Stores, Inc., now known as Walmart, Inc., is not a citizen of, and does not have a principal place of business in the Commonwealth of Pennsylvania.

8. Plaintiff's claims against Walmart all arise from an alleged retail theft event on May 13, 2021, and the Plaintiff alleging he was wrongly identified by Walmart, or one of its employees as one of the perpetrators of the theft, which was reported to local police. Plaintiff brings claims sounding in defamation, negligence, and intentional infliction of emotional distress. Among other injuries, it is understood that Plaintiff claims damages for economic loss and general distress, income loss, insomnia, emotional distress, shock and mental anguish, ongoing pain, suffering, and inconvenience, and loss of enjoyment of life. See Exhibit A, ¶¶ 16, 23–26. Plaintiff also includes a request for punitive damages.

9. Based on these alleged injuries and damages, it is believed and therefore averred that if this case were taken to trial, Plaintiffs' counsel would assert and present evidence that the case has a value in excess of \$75,000.00.

10. Indeed, by an email exchange on June 30, 2022, Plaintiff's counsel refused a proposed stipulation to cap damages in this matter at less than \$75,000.

11. This Notice of Removal is filed within thirty (30) days after Plaintiff served upon Walmart their Complaint setting forth the Plaintiff's claim for relief, and within one (1) year of the commencement of this matter by Plaintiff on June 9, 2022; thus, it is timely filed pursuant to 28 U.S.C. §1446(b)(1) and (c).

12. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

13. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Washington, Pennsylvania, as required by 28 U.S.C.A. §1446(d)

WHEREFORE, Defendant Wal-Mart Stores, Inc. requests that this action now pending in the Court of Common Pleas of Washington County at Case No. 3939-2022 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 7/11/2022

BY: /s/ G. Richard Murphy
G. Richard Murphy
PA ID No. 306456

US Steel Tower
600 Grant Street, Suite 2600
Pittsburgh PA, 15219
(412) 697-7403
(412) 697-7407 – Facsimile
rseember@tthlaw.com
rmurphy@tthlaw.com

***Counsel for the Defendant,
Wal-Mart Stores, Inc..***

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the NOTICE OF REMOVAL has been served on all counsel of record, via electronic mail only, on the 11th day of July, 2022.

Adam Yarussi, Esquire
31 North Main Street, Suite 105
Washington, PA 15301
adamyarussilawoffice@gmail.com

Counsel for Plaintiff

/s/ G. Richard Murphy

G. Richard Murphy

***Counsel for the Defendant,
Wal-Mart Stores, Inc.***